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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-579

11 **MARY A. O'NEAL**
12 **AKA MARY CASCIO**
13 399 W Via De Palmas,
14 San Tan Valley, AZ 85140-8222
15 **Registered Nurse License No. 554160**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

16 Respondent.

17 **FINDINGS OF FACT**

18 1. On or about March 29, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs, filed Accusation No. 2012-579 against Mary A. O'Neal aka Mary Cascio
21 (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

22 2. On or about April 13, 1999, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 554160 to Respondent. The Registered Nurse License was in full
24 force and effect at all times relevant to the charges brought in Accusation No. 2012-579 and will
25 expire on January 31, 2013, unless renewed.

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1 3. On or about March 29, 2012, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 2012-579, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to California Code of
5 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is:

7 2020 E Inverness Avenue #1053,
8 Mesa, AZ 85204

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code
11 section 124.

12 5. On or about April 9, 2012, the certified mail receipt was received and marked by U S
13 Postal Service "Notify Sender of New Address: 399 W Via De Palmas, San Tan Valley, AZ
14 85140-8222." The Accusation was re-served to Respondent on April 12, 2012 to the new
15 address. On April 19, 2012, the certified mail was returned by U S Postal Service marked
16 'Refused'. Respondent has not made herself available for service and therefore, has not availed
17 herself of her right to file a notice of defense and appear at hearing.

18 6. Government Code section 11506 states, in pertinent part:

19 (c) The respondent shall be entitled to a hearing on the merits if the respondent
20 files a notice of defense, and the notice shall be deemed a specific denial of all parts
21 of the accusation not expressly admitted. Failure to file a notice of defense shall
22 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
23 may nevertheless grant a hearing.

24 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
25 the Accusation, and therefore waived her right to a hearing on the merits of Accusation
26 No. 2012-579.

27 8. California Government Code section 11520 states, in pertinent part:

28 (a) If the respondent either fails to file a notice of defense or to appear at the
hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2012-579, finds that the charges and allegations in Accusation No. 2012-579, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$1,015.00 as of June 6, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Mary A. O'Neal aka Mary Cascio has subjected her Registered Nurse License No. 554160 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Code section 2761(a)(4), Out-of-State Discipline;

b. Code section 2761(a)(4), Discipline by a California Health Care Professional Licensing Board.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 554160, heretofore issued to Respondent Mary A. O'Neal aka Mary Cascio, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 14, 2013

It is so ORDERED December 14, 2012



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

10909308.DOC
DOJ Matter ID:SA2011101849

Attachment:
Exhibit A: Accusation No. 2012-579

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 ANAHITA S. CRAWFORD
Deputy Attorney General
4 State Bar No. 209545
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-8311
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012- 579

12 **MARY A. O'NEAL**
13 **aka MARY CASCIO**
2020 E. Inverness Avenue #1053
14 **Mesa, AZ 85204**
15 **Registered Nurse License No. 554160**

ACCUSATION

16 Respondent.

17
18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Interim
21 Executive Officer of the Board of Registered Nursing ("Board").

22 2. On or about April 13, 1999, the Board issued Registered Nurse License Number
23 554160 to Mary A. O'Neal, also known as Mary Cascio ("Respondent"). The license was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 January 31, 2013, unless renewed.

26 **JURISDICTION**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
6 may renew an expired license at any time within eight years after the expiration.

7 STATUTORY PROVISIONS

8 5. Code section 2761 states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed nurse or
10 deny an application for a certificate or license for the following:

11 (a) Unprofessional conduct.

12 (4) Denial of licensure, revocation, suspension, restriction, or any other
13 disciplinary action against a health care professional license or certificate by another
14 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action.

15 COST RECOVERY

16 6. Code section 125.3 provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licensee found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 FIRST CAUSE FOR DISCIPLINE

21 (Out-of-State Discipline)

22 7. Respondent is subject to discipline under Code section 2761(a)(4), in that effective
23 March 11, 2011, pursuant to a Consent for Entry of Voluntary Surrender Order No. 1007062
24 ("Order"), before the Arizona State Board of Nursing, in a disciplinary proceeding titled, *In the*
25 *Matter of Registered Nurse License No. RN128457 Issued to Mary Ann O'Neal*, the Board
26 voluntarily accepted the surrender of Respondent's Registered Nurse License Number
27 RN128457. The Order was based on numerous Findings of Fact and Conclusions of Law, as
28 follows: While employed at Odyssey Healthcare and Hospice, Respondent failed to accurately

1 maintain medication profiles for several assigned patients, inaccurately transcribed physician
2 orders, and failed to verify medication orders with patient physicians, as more particularly set
3 forth in the Order attached hereto as Exhibit A.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Discipline by a California Health Care Professional Licensing Board)**

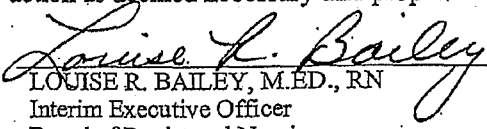
6 8. Respondent is subject to discipline under Code section 2761(a)(4), in that effective
7 August 12, 2011, pursuant to a Default Decision and Order ("Order"), attached hereto as Exhibit
8 B, in Case No. 1H-2010-710, before the Respiratory Care Board of California, in a disciplinary
9 proceeding titled, *In the Matter of the Accusation Against Mary A. O'Neal, Respiratory Care*
10 *Practitioner License No. 6766*, Respondent's Respiratory Care Practitioner License No. 6766 was
11 revoked. The disciplinary action was based on the discipline imposed upon Respondent by the
12 Arizona State Board of Nursing, as set forth above in paragraph 7.

13 **PRAYER**

14 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 1. Revoking or suspending Registered Nurse License Number 554160, issued to Mary
17 A. O'Neal, also known as Mary Cascio;
18 2. Ordering Mary A. O'Neal, also known as Mary Cascio to pay the Board of Registered
19 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code
20 section 125.3; and,
21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: March 29, 2012


LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
State of California
Complainant

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